

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re
Achaogen, Inc.,
Debtor.¹

Edward E. Neiger, not individually but as Plan
Trustee of the Achaogen Plan Trust,

Plaintiff

v.

Cipla USA Inc.,

Defendant.

Chapter 11
Case No. 19-10844 (BLS)

Adv. Pro. No. 21-50479 (BLS)

SCHEDULING ORDER

NOW COMES Edward E. Neiger, not individually but as Plan Trustee of the Achaogen Plan Trust (“Plaintiff”), by his undersigned counsel, and pursuant to Local Rule 7016-1(d), submits this proposed scheduling order for the above-captioned adversary proceeding:

1. Plaintiff proposes that the following schedule shall govern the proceedings in this matter:

ACTION	DATE
a) Provide initial disclosures under Fed. R. Civ. P. 26(a)(1).	September 8, 2021
b) Deadline to amend pleadings	The later of (i) December 15, 2021 or (ii) 60 days following entry of Order resolving Defendant’s Motion to Dismiss

¹ The last four digits of Achaogen’s federal tax identification number are 3693. The last four digits of the Achaogen Plan Trust’s tax identification number are 4172.

ACTION	DATE
c) Deadline to join parties	The later of (i) December 15, 2021 or (ii) 60 days following entry of Order resolving Defendant's Motion to Dismiss
d) Deadline to notify the Court of agreed-upon mediator or to request the Court to appoint a mediator.	January 31, 2022
e) Mediation deadline.	The later of (i) April 30, 2022 or (ii) 60 days following entry of Order resolving Defendant's Motion to Dismiss
f) Deadline to complete fact discovery, including depositions (except for any fact discovery subject to a motion to compel or motion for protective order pending on this date).	The later of (i) June 30, 2022 or (ii) 120 days following entry of Order resolving Defendant's Motion to Dismiss
g) Plaintiff's identification of expert witnesses and disclosure of opening expert reports, if any.	30 days after deadline to complete fact discovery
h) Defendant's identification of expert witnesses and disclosure of opening expert reports, if any.	30 days after Plaintiff's deadline to identify expert witnesses
i) Plaintiff's disclosure of rebuttal expert reports, if any.	30 days after Defendant's deadline to identify expert witnesses
j) Completion of expert discovery, including expert depositions (Except for any expert discovery subject to a motion to compel or motion for a protective order pending on this date).	60 days after receipt of rebuttal report(s)
k) Deadline to file dispositive motions	45 days after completion of expert discovery

2. Depositions shall be taken on reasonable notice, and the parties shall work together in good faith on the scheduling of depositions. For avoidance of doubt, any deposition may be taken via telephone, videoconference, or other remote means, and may be recorded by any reliable audio or audiovisual means.

3. Dispositive motions shall be subject to Del. Bankr. L.R. 7007-1 and 7007-2.

4. If any issues remain following dispositive motions, the Court will hold a status conference and discuss a pretrial schedule and pretrial proceedings at that time.

5. The parties may amend the dates set forth in paragraph 1 of this Order by written

agreement, without Court approval. This Order is without prejudice to any party seeking leave of the Court to modify this schedule for good cause.

6. Within five (5) days of the entry of this Order, each party shall identify its respective “e-discovery liaison” under Local Rule 7026-3(c) and its respective “retention coordinator” for the designating party pursuant to Local Rule 7026-3(g).

Dated: August 23rd, 2021
Wilmington, Delaware


BRENDAN L. SHANNON
UNITED STATES BANKRUPTCY JUDGE